



MEMORANDUM

DATE: September 9, 2003

TO: Members of the Mayor and Council
Economic Development Subcommittee

FROM: 
James Keene
City Manager

SUBJECT: Street Peddlers Ordinance

At your August 26, 2003 meeting, you directed staff to send the draft proposal to the Tucson Chamber of Commerce, the Tucson Hispanic Chamber, the Tucson Restaurant Association, Small Business Administration and the West Side Coalition and the Sunnyside Neighborhood Association. Staff has not received any comments from these groups. These groups were also invited to attend today's meeting. If the Subcommittee wishes, staff can schedule the next meeting during the evening to gather public comment.

Staff will be present at the meeting to address any specific questions you may have regarding this issue.

KT:wvt

Attachment: Letter dated August 28, 2003

Walter/s/peds090903

August 28, 2003



**CITY OF
TUCSON**

DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION

Subject: Regulation Recommendation for Street Peddlers

To Interested Parties:

The Mayor and Council Economic Development Subcommittee is reviewing the Street Peddler Task Force recommendations for proposals to amend the Tucson Code and the Land Use Code regarding peddler regulations. The subcommittee would like your organization to review the proposed regulations and submit comments either in support or against the proposed regulation changes. We would like to hear your viewpoints on the proposal along with any issues or concerns you may have.

Please provide written comments of your review by mail to Walter Tellez, Zoning Administrator, or Dave Deible, City Attorney's office, at P.O. Box 27210, Tucson Arizona 85726-7210. You can also e-mail your comments to me at: WTellez1@ci.tucson.az.us or Dave Deible at: DDeible1@ci.tucson.az.us. We would like your comments by September 5, 2003. Your comments will be forwarded to the subcommittee.

You are also invited to attend the next Mayor and Council Economic Development Subcommittee meeting on September 9, 2003 at 11:30am to comment on the proposed changes in the regulations. The meeting will be held in the Pueblo room at the Information Technology (IT) building at 481 West Paseo Redondo.

We appreciate your input on these proposals. If you have any questions regarding the proposals, please call me at 791-4541.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Tellez".

Walter Tellez
Zoning Administrator

s:\zoning administration\zoning\2003\SubPed.doc

c: Council Member Jose J. Ibarra, Ward 1
Council Member Shirley C. Scott, Ward 4
Council Member Steve Leal, Ward 5
Karen Thoreson, Assistant City Manager

DEVELOPMENT SERVICES DEPARTMENT • 201 NORTH STONE AVENUE
P.O. BOX 27210 • TUCSON, AZ 85726-7210
791-4571, 791-4541 • FAX (520) 791-4340 OR 791-4475



MEMORANDUM

DATE: August 21, 2003

A handwritten signature in black ink, appearing to read "Mike Letcher".

TO: Honorable Mayor and Council
Economic Development Subcommittee

FROM: Mike Letcher
Deputy City Manager

SUBJECT: Street Peddlers Ordinance

At your August 6, 2003 meeting, you agreed to provide staff with feedback on what should be included and not included in a draft street peddlers ordinance. Attached is the July 25th memorandum from City Manager James Keene to the Committee. I am requesting that the Subcommittee provide staff direction on points that you want covered in the proposed street peddler ordinance based on this memorandum.

Senior Assistant City Attorney Dave Deibel will be present at the meeting to address any specific legal questions you may have regarding this issue.

ML:csv

Attachment



MEMORANDUM

DATE: July 25, 2003

TO: The Honorable Mayor and Council
Economic Development Subcommittee

FROM: 
James Keene
City Manager

SUBJECT: Street Peddlers

At the June 24, 2003 meeting of the Mayor & Council Economic Development Subcommittee, staff was directed to review the information provided by the Street Peddlers task force and return with their analysis. Council Member Steve Leal recommended the task force be comprised of staff from the Comprehensive Planning Task Force, Development Services, Finance, City Attorney and the Police Department.

The Street Peddler Task Force reviewed the proposals for strengthening the existing peddler ordinance and the regulations recently adopted by the City of Phoenix. After their review, the Task Force developed recommendations for amendments to the Tucson Code. The Task Force gave the Subcommittee a range of options to address the issue. The Subcommittee, and the Mayor and Council, can choose to implement some, most, or all of these recommendations.

Both the business regulations of Title 7 of the Tucson Code relating to street peddlers and the Land Use Code will have to be amended under these recommendations. The business regulations could be adopted by the Mayor and Council much more quickly than Land Use Code amendments and can go into effect immediately. LUC amendments will have to be referred to the Planning Commission for their recommendation prior to formal action by the Mayor and Council.

Business Regulations

If adopted, the amendments would impose the following requirements:

- 1) All individuals in the peddler business would have to be licensed, including the actual peddler and the owner of the business if not the same person, and pay a license fee. The license will be valid for one year.
- 2) An individual would be allowed to own and/or manage no more than one peddler operation.

The Honorable Mayor and Council
 Economic Development Subcommittee
 July 25, 2003
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- 3) Each licensee shall have a designated agent who resides within the City on a permanent basis.
- 4) The license application would contain more information than currently required. For example, the application would contain the manager's name and address, a copy of a health permit if required, proof of authority to occupy the proposed site, all zoning violations and peddler ordinance violations for the previous 5 years, fingerprints and photo, and a plot plan showing compliance with the Land Use Code and the peddler ordinance.
- 5) The license must be prominently displayed on the vending unit and the space licensed for use by the peddler must be clearly marked on the ground.
- 6) The license can be revoked for violations of the peddler ordinance and the LUC, along with various criminal convictions. The Finance Director could enter into consent agreements with the peddler to dispose of a revocation case. Such agreements could impose requirements above that required by the ordinance
- 7) Operation requirements would be imposed, including:
 - a) maintaining on the vending unit written permission to occupy the land,
 - b) restrictions on amplified sound,
 - c) bans on generators and connections to electricity and water,
 - d) restriction on placement in vision triangles,
 - e) unit size limitation,
 - f) service restrictions (i.e.: prohibition on product installation),
 - g) removal of the unit after close,
 - h) time of operation restrictions,
 - i) prohibition on outdoor cooking,
 - j) a requirement that only disposable tableware be used, and
 - k) cleanliness requirements.
- 8) The County Assessor will be notified if the City learns that a vacant lot is being used by a peddler.
- 9) Street peddlers would be banned from operating in any City right of way except as noted in number except that the peddler ordinance would not apply to the sidewalk areas subject to the sidewalk regulations of Tucson Code § 11-36.2(a). These areas are the downtown, Fourth Avenue, and University zones. Section 11-36.2(b)(3) allows commercial operations on sidewalks in these zones pursuant to a permit.
- 10) Street peddlers would be required to comply with existing sign code regulations.

Land Use Code Regulations

If adopted, the amendments would impose the following requirements:

1. Peddlers would be allowed only in C-2 and less restrictive zoning.
2. Peddlers must be 1300 feet apart from one another on the same side of the street. No more than 2 peddlers would be allowed on corner lots at any intersection.
3. Peddlers would only be allowed to operate on paved lots and have a minimum of 3 parking spaces designated for their use.
4. A peddler on a vacant lot would be considered a use and be subject to all LUC regulations affecting that use.
5. A peddler on a lot that has another use would also be considered a use if the unit is located within or under any permanent structure.
6. Peddlers must be more than 15 feet from any street right of way, 10 feet from sidewalks, 100 feet from on/off ramps from freeways, and 100 feet from residences.
7. Exceptions would be allowed for peddlers operating at licensed swap meets, seasonal sales (such as Christmas trees and pumpkins), or that are regulated as promotional sales at shopping centers.

c: Mike House, David Deibel, Mike McCrory, Walter Tellez, Karen Thoreson, Kendall Bert